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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RONALD A. KATZ TECHNOLOGY LICENSING, L.P.,

-X Civil Action No. 07-CV-5392

Plaintiff(s),

-against-

AFFIDAVIT OF SERVICE

CONSOLIDATED EDISON COMPANY OF NEW  
YORK, INC., ET AL.,

Defendant(s).

MACY'S, INC., ETC., ET AL.

Counterclaim Plaintiffs/  
Third Party Plaintiffs,

-against-

RONALD A. KATZ TECHNOLOGY LICENSING, L.P.,

Counterclaim Defendant,

INTERNATIONAL BUSINESS MACHINES CORP., ET AL.

Third Party Defendants.

-X  
STATE OF NEW YORK )

S.S.:

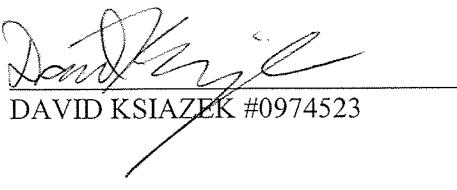
COUNTY OF ROCKLAND )

DAVID KSIAZEK, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, D.L.S., INC., and is not a party to this action.

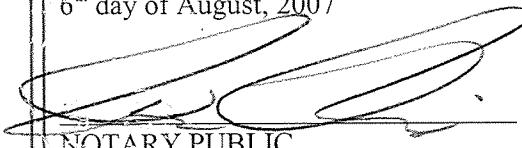
That on the 6<sup>th</sup> day of August, 2007, at approximately 2:25 PM, deponent served a true copy of the MACY'S ANSWER, AFFIRMATIVE DEFENSES, COUNTERCLAIMS AND THIRD PARTY COMPLAINT upon INTERNATIONAL BUSINESS MACHINES CORP. at New Orchard Road, Main Lobby, Armonk, New York 10504, by personally delivering and leaving the same with LOUISE NOVAK, who informed deponent that she is an assistant to the executive secretary authorized by INTERNATIONAL BUSINESS MACHINES CORP. to receive service at that address.



LOUISE NOVAK is a white female, approximately 37 years of age, stands approximately 5 feet 4 inches tall, weighs approximately 175 pounds with brown hair, hazel eyes and glasses.

  
DAVID KSIAZEK #0974523

Sworn to before me this  
6<sup>th</sup> day of August, 2007

  
NOTARY PUBLIC

JONATHAN T. RIPPS  
Notary Public, State of New York  
NO. 01RI6109718  
Qualified in Rockland County  
Certificate Filed in New York County  
Commission Expires May 17, 2008